8/11/04 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 4608 OF 2004

BETWEEN

Hira Lal Dhruv, aged about 59 years, S/o Shri Ramratan Dhruv, suspended Head Master, Primary School Sidesar, Block Development Kanker, District Kanker, Headquartered during suspension at Project Administrator, Narayanpur, resident of Village and Post Govindpur District Kanker (CG).

PETITIONER

A N D

1. The State of Chhattisgarh, through the Secretary, Department of Adim Jati Kalyan Vibhag, D.K.S. Building, Raipur (CG).

2. The Collector, Kanker, District Kanker (CG).

P.R. No. A1603/04
Presented by Shri Rakesh Agrawal
dated 25.11.04

3. The Commissioner, Tribal Development, Chhattisgarh, Raipur (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

(46)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 4608/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

10.02.2005

Shri Rakesh Antony, counsel for the petitioner.

Shri Sudhir Agrawal, Panel Lawyer for the State.

Application (I.A.No.9204/2004) for urgent hearing is allowed.

On the very outset, learned counsel for the petitioner informs that though it has been mentioned in para 10 of the petition that the matter for the similar relief is pending before the S.A.T., but the matter is not pending before the S.A.T and this Court can entertain this petition.

Heard on admission.

Learned counsel for the petitioner submits that the petitioner was working as Head Master in Primary School Dhelkaboard, District Kanker. He further submits that the petitioner was suspended vide order dated 6.1.98 (Annexure-P/5). The allegations against the petitioner are that he forged the transfer order and amended order and committed fraud while working on the said post. On account of the said charges a charge-sheet was issued to the petitioner on 9.2.98 (Annexure-P/7).

Leanred counsel for the petitioner submits that the documents were not forged by the petitioner, the order of suspension as well as issuance of charge-sheet (Annexure-P/5 and P/7) are bad in law and

GL PRJ—FS/350—12/2000—50,000.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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the same should be quashed. Various grounds are raised in the petition on the basis of which counsel for the petitioner argues that in fact, the petitioner has been falsely implicated in the matter and he is unnecessarily being dragged in the departmental enquiry since 1998.

The contentions regarding false implication of the petitioner are in fact the matter of defence of the petitioner, which cannot be examined at this stage when the departmental enquiry is still pending and the petitioner has entered into defence by filing a reply to the article of the charges issued to him.

Learned counsel for the petitioner counld not point out any infirmity in relation to jurisdiction of the authority or voilation of any rule under which enquiry is to be conducted. Suffice is to say that presently points raised are premature and are not to be considered at this stage. The petitioner's prayer for grant of relief for quashment of proceeding of enquiry could not be entertained on the above grounds of false implication.

So far as order of suspension is concerned, admittedly, the same is appellable under Rule 23 of the M.P. (C.G.) Civil Services (Classification, Control and Appeal) Rules 1966. Learned counsel for the petitioner has not pointed out as to whether any appeal has been filed by the petitioner or not. Order of suspension shows the reasons for which the suspension has been effected and after issuance of

(48)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

भामला क्रमांक W.P.No. 4608/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

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suspension order dated 6.1.98, the charge-sheet has been issued on 9.2.98.

In the facts and circumstances of the case, this Court is not inclined to quash the order of suspension dated 6-1-1998. However, if so advised, the petitioner may file an appeal against the impugned order as per C.C.A. Rules.

After perusal of the record, it transpires that the matter pertains to the year 1998 in whcih no decision has been taken by the authorities. Long pendency of the proceedings of departmental enquiry creates many problems and it is expected that the enquiry should be conducted quickly without wasting time in it.

This Court observes that the respondents should do the needful to conclude the enquiry as early as possible and shall come to definite conclusion in accordance with law.

For the reasons stated above this Court is not inclined to interfere at this stage.

With the aforesaid observations, the petition stands dismissed at the admission stage itself.

In view of this order M.W.P.No.4927/2004 also stands disposed of.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Vatti

GL PRJ—FS/350—12/2000—50,000.